



The Farmington Valley Trails Council

P. O. Box 576, Tariffville, Connecticut 06081

860-202-3928 info@fvgreenway.org www.fvgreenway.org

Bruce Donald
President

Preston Reed
Founder

Testimony of R. Bruce Donald, President, Farmington Valley Trails Council, Inc.

Legislation before the Judiciary Committee April 4, 2011

HB 6557: AN ACT CONCERNING LIABILITY FOR THE RECREATIONAL USE OF LANDS. - IN SUPPORT

Board Members:

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Chairs and Members of the Judiciary Committee:

My name is Bruce Donald and I am the President of the Farmington Valley Trails Council, (FVTC) a CT 501(c)(3) formed in 1992. We advocate and raise funds for as well as help maintain multi-use trails in the Farmington Valley. On behalf of our Board of Directors and our over 1,400 members across Connecticut, I would like to affirm our support for HB 6557 and thank you for your consideration of this legislation.

I would like to give you some background information on the Farmington Canal Heritage Trail (FCHT) and the Farmington River Trails that pass through thirteen communities in CT. The whole system is over 70% completed (paved) at this time. It is very heavily traveled by bicyclists, pedestrians, commuters and tourists. A laser counter on the FCHT showed 234,778 gross user visits occurred in just one section of the trail in 2008. It is a growing destination, an important part of the economy, and a regional showcase for tourism. I would also add it's a safe off-road connection of many town centers creating point-to-point transportation corridors.

Municipalities rarely own the land underneath the trails, in most cases it is owned by the State and leased back: and they are not exempt from negligence, nor should they be. What they own are the improvements: the paved trail, bollards and gates, fencing, and other amenities within their borders. These certainly qualify as "structures" and should be entitled to immunity under the Recreational Land Use Act. There have been a few injury suits recently that I am aware of, and the worry is that the MDC case will dump more suits on municipalities that must be defended whether frivolous or not, eating up taxpayer dollars. There is also a very real chilling effect on new adopters - there is no question that towns looking to build these facilities for the first time are imagining taking on additional liability and legal bills, and it would be a disaster for the State if, in a difficult time for sourcing funding, building the remaining gaps in one of the best trail systems in New England ground to a halt.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Donald", written over a horizontal line.

R. Bruce Donald
President